



Reprinted
April 15, 2009

ENGROSSED SENATE BILL No. 391

DIGEST OF SB 391 (Updated April 14, 2009 5:11 pm - DI 96)

Citations Affected: IC 4-1; IC 9-21; IC 9-24; IC 9-30; IC 22-5.

Synopsis: Various motor vehicle matters. Authorizes the bureau of motor vehicles to adopt rules concerning the renewal of certain driver's licenses by mail or by electronic service. Provides that a person who operates a motor vehicle approaching a stationary utility service vehicle displaying alternately flashing amber lights must yield the right of way by making a lane change or reducing the motor vehicle's speed on certain highways if two warning signs, and in certain circumstances at least one flagman, are at the worksite. Provides that the failure to move over or slow down when approaching a stationary utility service vehicle under these circumstances is a Class A infraction that may also result in the loss of driving privileges. Provides that a court may grant
(Continued next page)

Effective: July 1, 2009.

**Rogers, Wyss, Charbonneau,
Breux, Buck, Merritt, Paul**
(HOUSE SPONSORS — AUSTIN, SOLIDAY)

January 8, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 29, 2009, reported favorably — Do Pass.
February 2, 2009, read second time, ordered engrossed. Engrossed.
February 3, 2009, read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
February 25, 2009, read first time and referred to Committee on Roads and Transportation.
April 9, 2009, amended, reported — Do Pass.
April 14, 2009, read second time, amended, ordered engrossed.

ES 391—LS 6524/DI 96+



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probationary driving privileges to an individual who is convicted of operating a vehicle while intoxicated (OWI) and may order the individual not to operate a motor vehicle for six months unless the motor vehicle is equipped with a functioning certified ignition interlock device. Provides that the individual granted probationary driving privileges shall pay all costs associated with the installation of the ignition interlock device unless the court determines that the individual is indigent. Provides that it is a Class A infraction for an employer to require an applicant for employment to furnish the Social Security number of the applicant at the time of the application for employment if the application for employment is made by means of the Internet.

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Reprinted
April 15, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 391

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles and labor.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.1-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:
10 (1) Department of state revenue.
11 (2) Department of workforce development.
12 (3) The programs administered by:
13 (A) the division of family resources;
14 (B) the division of mental health and addiction;
15 (C) the division of disability and rehabilitative services;
16 (D) the division of aging; and
17 (E) the office of Medicaid policy and planning;

ES 391—LS 6524/DI 96+



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of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

(13) A pension fund administered by the board of trustees of the public employees' retirement fund.

(14) The Indiana state teachers' retirement fund.

(15) The state police benefit system.

(16) The alcohol and tobacco commission.

(17) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

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(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

(g) This chapter:

(1) applies to an applicant for employment with a state agency if the applicant applies for employment with the state agency through the Internet, as provided in IC 22-5-6; and

(2) does not apply to an individual who has been offered employment with a state agency.

SECTION 2. IC 9-21-8-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes

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with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a stationary highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) Upon approaching a stationary utility service vehicle (as defined in IC 8-1-8.3-5) when the utility service vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the utility service vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe;

as long as there are two warning signs, one (1) of which is not less than three hundred (300) feet in front of and one (1) of which is not less than three hundred (300) feet behind the utility service vehicle, and the utility service vehicle is off the traveled part of the highway. If it is not practicable for the utility service vehicle to be off the traveled part of the highway, there must be at least one (1) flagman for traffic control at the worksite, and there must be two (2) warning signs not less than three hundred (300) feet in front of and one (1) warning sign not less than three hundred (300) feet behind the utility service vehicle for the person who drives an approaching vehicle to be required to proceed in conformance with

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1 **subdivisions (1) and (2).**

2 ~~(d)~~ **(e)** This section does not operate to relieve the person who drives
3 an authorized emergency vehicle, a recovery vehicle, **a utility service**
4 **vehicle**, or a highway maintenance vehicle from the duty to operate the
5 vehicle with due regard for the safety of all persons using the highway.

6 SECTION 3. IC 9-21-8-54 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 54. (a) A person who
8 violates section 35(b), ~~or section 35(c),~~ **or 35(d)** of this chapter
9 commits a Class A infraction.

10 (b) If a violation of section 35(b) of this chapter results in damage
11 to the property of another person, in addition to any other penalty
12 imposed, the court shall recommend that the person's driving privileges
13 be suspended for a fixed period of not less than ninety (90) days and
14 not more than one (1) year.

15 (c) If a violation of section 35(c) **or 35(d)** of this chapter results in
16 damage to the property of another person of at least two hundred fifty
17 dollars (\$250), in addition to any other penalty imposed, the court shall
18 recommend that the person's driving privileges be suspended for a
19 fixed period of not less than ninety (90) days and not more than one (1)
20 year.

21 (d) If a violation of section 35(b), ~~or section 35(c),~~ **or 35(d)** of this
22 chapter results in injury to another person, in addition to any other
23 penalty imposed, the court shall recommend that the person's driving
24 privileges be suspended for a fixed period of not less than one hundred
25 eighty (180) days and not more than two (2) years.

26 (e) If a violation of section 35(b), ~~or section 35(c),~~ **or 35(d)** of this
27 chapter results in the death of another person, in addition to any other
28 penalty imposed, the court shall recommend that the person's driving
29 privileges be suspended for two (2) years.

30 (f) The bureau shall, upon receiving a record of a judgment entered
31 against a person under this section:

32 (1) suspend the person's driving privileges for a mandatory
33 period; or

34 (2) extend the period of an existing suspension for a fixed period;
35 of not less than ninety (90) days and not more than two (2) years. The
36 bureau shall fix this period in accordance with the recommendation of
37 the court that entered the judgment.

38 SECTION 4. IC 9-24-12-5, AS AMENDED BY P.L.156-2006,
39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2009]: Sec. 5. **(a) Except as provided in subsection (b),** an
41 individual applying for renewal of an operator's, a motorcycle
42 operator's, a chauffeur's, or a public passenger chauffeur's license must

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1 apply in person at a license branch and do the following:

2 (1) Pass an eyesight examination.

3 (2) Pass a written examination if:

4 (A) the applicant has at least six (6) active points on the
5 applicant's driving record maintained by the bureau; or

6 (B) the applicant holds a valid operator's license, has not
7 reached the applicant's twenty-first birthday, and has active
8 points on the applicant's driving record maintained by the
9 bureau.

10 **(b) The bureau may adopt rules under IC 4-22-2 concerning the**
11 **ability of a holder of an operator's, a motorcycle operator's, a**
12 **chauffeur's, or a public passenger chauffeur's license to renew the**
13 **license by mail or by electronic service. If rules are adopted under**
14 **this subsection, the rules must provide that an individual's renewal**
15 **of a license by mail or by electronic service is subject to the**
16 **following conditions:**

17 (1) A valid computerized image of the individual must exist
18 within the records of the bureau.

19 (2) The previous renewal of the individual's operator's,
20 motorcycle operator's, chauffeur's, or public passenger
21 chauffeur's license must not have been by mail or by
22 electronic service.

23 (3) The application for or previous renewal of the individual's
24 license must have included a test of the individual's eyesight
25 approved by the bureau.

26 (4) If the individual were applying for the license renewal in
27 person at a license branch, the individual would not be
28 required under subsection (a)(2) to submit to a written
29 examination.

30 (5) The individual must be a citizen of the United States, as
31 shown in the records of the bureau.

32 (6) There must not have been any change in the:

33 (A) address; or

34 (B) name;

35 of the individual since the issuance or previous renewal of the
36 individual's operator's, motorcycle operator's, chauffeur's, or
37 public passenger chauffeur's license.

38 (7) The operator's, motorcycle operator's, chauffeur's, or
39 public passenger chauffeur's license of the individual must not
40 be:

41 (A) suspended; or

42 (B) expired;

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at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 5. IC 9-30-5-10, AS AMENDED BY P.L.126-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, ~~or IC 14-15-8~~, the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) Except as provided in subsection (c)(1), if the court finds that the person:

(1) does not have a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated; or

(2) has a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

The court may stay the execution of the part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period equal to the length of the stay. Except as provided in subsection (g), if the court grants probationary driving privileges under this subsection, the court may order that the probationary driving privileges include the condition that for six (6) months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(c) If the court finds that the person:

(1) operated a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

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1 (A) one hundred (100) milliliters of the person's blood; or

2 (B) two hundred ten (210) liters of the person's breath; or

3 (2) has a previous conviction of operating a vehicle ~~or a~~
4 ~~motorboat~~ while intoxicated and the previous conviction occurred
5 more than five (5) years but less than ten (10) years before the
6 conviction under consideration by the court;

7 the court shall recommend the suspension of the person's driving
8 privileges for at least one hundred eighty (180) days but not more than
9 two (2) years. The court may stay the execution of that part of the
10 suspension that exceeds the minimum period of suspension and grant
11 the person probationary driving privileges for a period of time equal to
12 the length of the stay. **Except as provided in subsection (g), if the**
13 **court grants probationary driving privileges under this subsection,**
14 **the court may order that the probationary driving privileges**
15 **include the condition that for six (6) months the person may not**
16 **operate a motor vehicle unless the motor vehicle is equipped with**
17 **a functioning certified ignition interlock device under IC 9-30-8.**

18 (d) If the court finds that the person has a previous conviction of
19 operating a vehicle ~~or a motorboat~~ while intoxicated and the previous
20 conviction occurred less than five (5) years before the conviction under
21 consideration by the court, the court shall recommend the suspension
22 of the person's driving privileges for at least one (1) year but not more
23 than two (2) years. The court may stay the execution of that part of the
24 suspension that exceeds the minimum period of suspension and grant
25 the person probationary driving privileges for a period of time equal to
26 the length of the stay. **Except as provided in subsection (g), if the**
27 **court grants probationary driving privileges under this subsection, the**
28 **court shall order that the probationary driving privileges include the**
29 **requirement condition that for six (6) months the person may not**
30 **operate a motor vehicle unless the motor vehicle is equipped with a**
31 **functioning certified ignition interlock device under IC 9-30-8.**
32 However, the court may grant probationary driving privileges under
33 this subsection without requiring the installation of an ignition
34 interlock device if the person is successfully participating in a court
35 supervised alcohol treatment program in which the person is taking
36 disulfiram or a similar substance that the court determines is effective
37 in treating alcohol abuse. The person granted probationary driving
38 privileges under this subsection shall pay all costs associated with the
39 installation of an ignition interlock device unless the sentencing court
40 determines that the person is indigent.

41 (e) If the conviction under consideration by the court is for an
42 offense under:

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(1) section 4 of this chapter; **or**

(2) section 5 of this chapter;

~~(3) IC 14-15-8-8(b); or~~

~~(4) IC 14-15-8-8(c);~~

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) If a person is granted probationary driving privileges under subsection (b), (c), or (d) subject to the condition that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device, the person shall pay all costs associated with the installation of an ignition interlock device in the person's motor vehicle unless the sentencing court determines that the person is indigent.

SECTION 6. IC 9-30-8-1, AS AMENDED BY P.L.172-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) If a court orders the installation of a certified ignition interlock device under IC 9-30-5 on a motor vehicle that a person whose license is restricted owns or expects to operate, except as provided in subsection (b), the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the cost of installation unless the sentencing court determines that the person is indigent.

(b) If the court orders installation of a certified ignition interlock device under ~~IC 9-30-5-10(d)~~, **IC 9-30-5-10**, the installation must remain in effect for a period of six (6) months.

SECTION 7. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6. Request for Social Security Number on a Job Application

Sec. 1. As used in this chapter, "employer" has the meaning set forth in IC 22-3-6-1(a).

Sec. 2. An employer may not require an applicant for employment to furnish the Social Security number of the applicant at the time of an application for employment if the application is made by means of the Internet.

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1 **Sec. 3. This chapter shall not be construed to prohibit an**
2 **employer from requesting the Social Security number of an**
3 **applicant upon the hiring of the applicant by the employer.**

4 **Sec. 4. An employer that violates this chapter commits a Class**
5 **A infraction. An action for a violation of this chapter shall be**
6 **prosecuted by the prosecuting attorney of the county, or with the**
7 **assistance of the attorney general, in which the employer has a**
8 **place of business or resides.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 391, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 391 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

- (1) Yield the right-of-way.
- (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
- (3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes

ES 391—LS 6524/DI 96+



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with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle or a stationary highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) Upon approaching a stationary utility service vehicle (as defined in IC 8-1-8.3-5) when the utility service vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the utility service vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe;

as long as there are two warning signs, one (1) of which is not less than three hundred (300) feet in front of and one (1) of which is not less than three hundred (300) feet behind the utility service vehicle, and the utility service vehicle is off the traveled part of the highway. If it is not practicable for the utility service vehicle to be off the traveled part of the highway, there must be at least one (1) flagman for traffic control at the worksite, and there must be two (2) warning signs not less than three hundred (300) feet in front of and one (1) warning sign not less than three hundred (300) feet behind the utility service vehicle for the person who drives an approaching vehicle to be required to proceed in conformance with

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subdivisions (1) and (2).

~~(d)~~ (e) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, **a utility service vehicle**, or a highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

SECTION 2. IC 9-21-8-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 54. (a) A person who violates section 35(b), ~~or section 35(c)~~, **or 35(d)** of this chapter commits a Class A infraction.

(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(c) If a violation of section 35(c) **or 35(d)** of this chapter results in damage to the property of another person of at least two hundred fifty dollars (\$250), in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(d) If a violation of section 35(b), ~~or section 35(c)~~, **or 35(d)** of this chapter results in injury to another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.

(e) If a violation of section 35(b), ~~or section 35(c)~~, **or 35(d)** of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two (2) years.

(f) The bureau shall, upon receiving a record of a judgment entered against a person under this section:

(1) suspend the person's driving privileges for a mandatory period; or

(2) extend the period of an existing suspension for a fixed period; of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment."

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 4. IC 9-30-5-10, AS AMENDED BY P.L.126-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, ~~or IC 14-15-8~~, the court shall, after

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reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) **Except as provided in subsection (c)(1)**, if the court finds that the person:

(1) does not have a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated; or

(2) has a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

The court may stay the execution of the part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period equal to the length of the stay. Except as provided in subsection (g), if the court grants probationary driving privileges under this subsection, the court may order that the probationary driving privileges include the condition that for six (6) months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(c) If the court finds that the person:

(1) **operated a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:**

(A) **one hundred (100) milliliters of the person's blood; or**

(B) **two hundred ten (210) liters of the person's breath; or**

(2) has a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. **Except as provided in subsection (g), if the**

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court grants probationary driving privileges under this subsection, the court may order that the probationary driving privileges include the condition that for six (6) months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(d) If the court finds that the person has a previous conviction of operating a vehicle ~~or a motorboat~~ while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. **Except as provided in subsection (g),** if the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the ~~requirement condition~~ **condition that for six (6) months** the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter; **or**
- (2) section 5 of this chapter;
- ~~(3) IC 14-15-8-8(b); or~~
- ~~(4) IC 14-15-8-8(c);~~

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) If a person is granted probationary driving privileges under

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subsection (b), (c), or (d) subject to the condition that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device, the person shall pay all costs associated with the installation of an ignition interlock device in the person's motor vehicle unless the sentencing court determines that the person is indigent.

SECTION 5. IC 9-30-8-1, AS AMENDED BY P.L.172-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) If a court orders the installation of a certified ignition interlock device under IC 9-30-5 on a motor vehicle that a person whose license is restricted owns or expects to operate, except as provided in subsection (b), the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the cost of installation unless the sentencing court determines that the person is indigent.

(b) If the court orders installation of a certified ignition interlock device under ~~IC 9-30-5-10(d)~~, **IC 9-30-5-10**, the installation must remain in effect for a period of six (6) months."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 391 as printed January 30, 2009.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 391 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and labor.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.1-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to

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provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family resources;
 - (B) the division of mental health and addiction;
 - (C) the division of disability and rehabilitative services;
 - (D) the division of aging; and
 - (E) the office of Medicaid policy and planning;
 of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) The department of child services.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.
- (16) The alcohol and tobacco commission.
- (17) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).
- (b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:
 - (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
 - (2) That an individual include the individual's Social Security number on an application for registration.
 - (3) That a corporation, limited liability company, firm,

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partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

(g) This chapter:

(1) applies to an applicant for employment with a state agency if the applicant applies for employment with the state agency through the Internet, as provided in IC 22-5-6; and

(2) does not apply to an individual who has been offered employment with a state agency."

Page 7, after line 35, begin a new paragraph and insert:

"SECTION 6. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6. Request for Social Security Number on a Job Application

Sec. 1. As used in this chapter, "employer" has the meaning set forth in IC 22-3-6-1(a).

Sec. 2. An employer may not require an applicant for

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employment to furnish the Social Security number of the applicant at the time of an application for employment if the application is made by means of the Internet.

Sec. 3. This chapter shall not be construed to prohibit an employer from requesting the Social Security number of an applicant upon the hiring of the applicant by the employer.

Sec. 4. An employer that violates this chapter commits a Class A infraction. An action for a violation of this chapter shall be prosecuted by the prosecuting attorney of the county, or with the assistance of the attorney general, in which the employer has a place of business or resides."

Renumber all SECTIONS consecutively.

(Reference is to ESB 391 as printed April 10, 2009.)

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